

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHER DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., and

Plaintiffs

)  
)  
)  
) Civil Action No. 10-cv-1796 (RJS)  
) (AJP)

V.

TEVA PHARMACEUTICALS USA, INC.  
and TEVA PHARMACEUTICAL INDUSTRIES  
LTD.,

## Defendants

**PLAINTIFF'S NOTICE OF MOTION FOR LEAVE**  
**TO FILE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Colleen Tracy with Exhibits A (filed under seal) and B thereto, Plaintiff Gilead Sciences, Inc., by and through its counsel, Fitzpatrick, Cella, Harper & Scinto, will move this Court, before the Honorable Richard J. Sullivan, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, N.Y, 10007, at a date and time to be designated by the Court, for an Order pursuant to Rule 15(a) of the Federal Rules of Civil Procedure granting leave to file its amended complaint.

To the extent that it would assist the Court, Plaintiff is available for oral argument on a date and time designated by the Court.

Respectfully submitted,

DATED: April 11, 2011

BY: 

Nicholas M. Cannella (NC 9543)

Colleen Tracy (CT 8377)

Marc Pensabene (MP 2795)

Simon Roberts (SR 3944)

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*Attorneys for Defendants*

*Teva Pharmaceuticals USA, Inc. and*

*Teva Pharmaceutical Industries, Ltd.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2011, the foregoing PLAINTIFF'S NOTICE OF MOTION FOR LEAVE TO FILE AMENDED COMPLAINT was caused to be served upon the attorneys of record for defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. at the address set forth below via Federal Express and email:

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